

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

February 11, 2009

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman
James Schuyler, Vice-Chair
Tonye Epps
Robert Ruais
Stephen McMaster
Neil Bhatt
Martin Maples
Jeffrey Adkins

The following Board Members were not present: Penny Johnson, Laura DuPuy, Cynthia Clare and Jim Ginnell

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Liz Hayes, Fair Housing Administrator
Emily Trent, Administrative Assistant
Trudy Miller, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Yvette Barnes, Fair Housing Investigator
Arthur Ryan, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:05 **Call to Order**
A.M.

A motion was made by Mr. Schuyler and seconded by Mr. **Agenda**
Maples to approve the Agenda. The motion passed
unanimously. Members voting "Yes" were: Adkins, Bhatt,
Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

A motion was made by Mr. Maples and seconded by Mr. Bhatt to approve the following minutes: December 3, 2008, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

Minutes

There was no public comment.

Public Comment

Liz Hayes updated the Board on the current investigative case load. No action was taken by the Board.

Fair Housing
Administrator's Report

In the matter of **FHB File Number 2007-03979, Barbara and Sanford Kreisler v. Rolling Oaks Condominium Unit Owners Association**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General. Barbara and Sanford Kreisler, Complainants, were present and addressed the Board.

FHB File Number 2007-
03979, Barbara and
Sanford Kreisler v.
Rolling Oaks
Condominium Unit
Owners Association

At 10:20 A.M., Mr. Maples offered a motion which was seconded by Mr. Adkins, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes and Trudy Miller.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

11. FHB File Number 2007-03979, Barbara and Sanford Kreisler v. Rolling Oaks Condominium Unit Owners Association

At 10:30 A.M., a motion was made by Mr. McMaster and seconded by Mr. Schuyler that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 8-0

AYES: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Clare, DuPuy, Ginnell and Johnson.

In the matter of **FHB File Number 2007-03979, Barbara and Sanford Kreisler v. Rolling Oaks Condominium Unit Owners Association**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General. A motion was by Mr. Ruais and seconded by Mr. Maples to find reasonable cause that the Respondent failed to make a reasonable accommodation based on the Complainant's disability. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2007-03979, Barbara and Sanford Kreisler v. Rolling Oaks Condominium Unit Owners Association

A motion was made by Mr. Ruais and seconded by Mr. McMaster to find no reasonable cause that the Respondent discriminated against the Complainants regarding violation of the design and construction provisions of the Fair Housing Law. The motion passed unanimously. Members voting

"Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

A motion was made by Mr. Schyler and seconded by Ms. Epps to find reasonable cause that the Respondent discriminated against the Complainants by refusing to permit a reasonable modification based on the Complainant's disability. The motion passed by majority vote. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Rubinstein and Schuyler. Member voting "No" was Ruais.

In the matter of **FHB File Number 2009-00094, Joseph and Ethel Elam v. SRK Misty Ridge Associates, LP, Peggy Ratcliff, Jessica Cimini, Jasmine Beasley, Melinda Holmes and Marlene Williams**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Joseph and Ethel Elam, Complainants, were present and addressed the Board. A motion was made by Mr. McMaster and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Adkins, Bhatt, Maples, McMaster, Ruais, Rubinstein and Schuyler. Member voting "No" was Epps.

FHB File Number 2009-00094, Joseph and Ethel Elam v. SRK Misty Ridge Associates, LP, Peggy Ratcliff, Jessica Cimini, Jasmine Beasley, Melinda Holmes and Marlene Williams

In the matter of **FHB File Number 2008-04043, Patricia Walsh v. Jerry Mabry, Dean Hester, Faye Holland, Jon Teconchuk, Briarwood Hearth Owner's Association and Community Group, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of the Attorney General. Jerry Mabry, Respondent, Andrew Elmore, Attorney for the Respondents, and Patricia Walsh, Complainant, were present and addressed the Board.

FHB File Number 2008-04043, Patricia Walsh v. Jerry Mabry, Dean Hester, Faye Holland, Jon Teconchuk, Briarwood Hearth Owner's Association and Community Group, Inc.

At 11:04 A.M., Mr. McMaster offered a motion which was seconded by Mr. Ruais, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes and Angela Keefe-Thomas.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

10. FHB File Number 2008-04043, Patricia Walsh v. Jerry Mabry, Dean Hester, Faye Holland, Jon Teconchuk, Briarwood Hearth Owner's Association and Community Group, Inc.

At 11:46 A.M., a motion was made by Mr. McMaster and seconded by Mr. Schuyler that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and **Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 8-0

AYES: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Clare, DuPuy, Ginnell and Johnson.

In the matter of **FHB File Number 2008-04043, Patricia Walsh v. Jerry Mabry, Dean Hester, Faye Holland, Jon Teconchuk, Briarwood Hearth Owner's Association and Community Group, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Investigative Report and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Mr. Bhatt and seconded by Mr. Ruais to find reasonable cause that the Respondent, Briarwood Hearth Owner's Association engaged in discrimination against the Complainant by refusing to make a reasonable accommodation based on handicap. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

A motion was made by Mr. Ruais and seconded by Mr. McMaster to find no reasonable cause that Community Group, Inc., Jerry Mabry, Dean Hester, Faye Holland and Jon Teconchuk engaged in discrimination against the Complainant by refusing to make a reasonable accommodation based on handicap. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

In the matter of **FHB File Number 2009-00364, Margaret Vinson v. Brandy Berry and Foxcroft, L.P.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of the Attorney General. W. Michael Kelly, co-owner of Foxcroft, L.P., was present and addressed the Board.

The Board recessed from 12:10 P.M. to 12:19 P.M.

At 12:20 P.M., Mr. Bhatt offered a motion which was seconded by Mr. Adkins, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes and Angela Keefe-Thomas.

FHB File Number 2008-04043, Patricia Walsh v. Jerry Mabry, Dean Hester, Faye Holland, Jon Teconchuk, Briarwood Hearth Owner's Association and Community Group, Inc.

FHB File Number 2009-00364, Margaret Vinson v. Brandy Berry and Foxcroft, L.P.

Break

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

12. FHB File Number 2009-00364, Margaret Vinson v. Brandy Berry and Foxcroft, L.P.

At 12:45 P.M., a motion was made by Mr. Bhatt and seconded by Mr. McMaster that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and **Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 8-0

AYES: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Clare, DuPuy, Ginnell and Johnson.

In the matter of **FHB File Number 2009-00364, Margaret Vinson v. Brandy Berry and Foxcroft, L.P.**, the Board reviewed the record which consisted of the Final **FHB File Number 2009-00364, Margaret Vinson v. Brandy Berry and**

Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Mr. Maples and seconded by Mr. Bhatt to find reasonable cause that the Respondents discriminated against Complainant by refusing to make a reasonable accommodation based on handicap. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

Foxcroft, L.P.

In the matter of **FHB File Number 2009-01186, Sarah Pospy v. Gravley and Northwinds Apartments**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Epps to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-01186, Sarah Pospy v. Gravley and Northwinds Apartments

In the matter of **FHB File Number 2009-00614, Raymond Borhan and Kimberly Bock v. Laurie Smith and Mark Reinhardt**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Epps to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-00614, Raymond Borhan and Kimberly Bock v. Laurie Smith and Mark Reinhardt

In the matter of **FHB File Number 2009-01923, Darryl McCall v. Danny Cruce, Kimberly Green, and Portsmouth Redevelopment and Housing Authority**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Epps to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-01923, Darryl McCall v. Danny Cruce, Kimberly Green, and Portsmouth Redevelopment and Housing Authority

In the matter of **FHB File Number 2009-01660, Charles Rainey v. Arrowhead Apartments, Northwinds**

FHB File Number 2009-01660, Charles Rainey v.

Apartments, LP, Joyce Gravely and David Robertson, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Final Investigative Report. A motion was made by Mr. Bhatt and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, Ruais, Rubinstein and Schuyler. Member voting "No" was McMaster.

Arrowhead Apartments,
Northwinds Apartments,
LP, Joyce Gravely and
David Robertson

In the matter of **FHB File Number 2009-01922, Gary Spencer v. Roosevelt Newsome**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Final Investigative Report. A motion was made by Mr. Bhatt and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, Ruais, Rubinstein and Schuyler. Member voting "No" was McMaster.

FHB File Number 2009-
01922, Gary Spencer v.
Roosevelt Newsome

In the matter of **FHB File Number 2009-01856, Fair Housing Board v. Canal Walks Lofts, III and Main Street Realty**, a motion was made by Mr. McMaster and seconded by Mr. Schuyler to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-
01856, Fair Housing
Board v. Canal Walks
Lofts, III and Main
Street Realty

In the matter of **FHB File Number 2008-02122, Mark Stanley v. Betty Wright**, a motion was made by Mr. McMaster and seconded by Mr. Schuyler to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-
02122, Mark Stanley v.
Betty Wright

In the matter of **FHB File Number 2009-02296, Housing Opportunities Made Equal v. Thomas C. Collins**, a motion was made by Mr. McMaster and seconded by Mr. Schuyler to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-
02296, Housing
Opportunities Made
Equal v. Thomas C.
Collins

In the matter of **FHB File Number 2009-02390, Charlotte Pridemore v. Bristol Redevelopment and Housing Authority, David Baldwin and Sheila Wambolt**, a motion was made by Mr. McMaster and seconded by Mr. Schuyler to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-02390, Charlotte Pridemore v. Bristol Redevelopment and Housing Authority, David Baldwin and Sheila Wambolt

At 1:03 P.M., Mr. Schuyler offered a motion which was seconded by Mr. Maples, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne and Liz Hayes.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

17. FHB File Number 2007-02016, Rosalyn Jackson-Rush and Alphonso Rush v. Orchard Corporation and Phillip Speasmaker

18. FHB File Number 2007-01497, Shelby James v. Berkley-South, LP

19. FHB File Number 2008-00646, Terry and Jacob Gerald v. James Yeatts

At 1:21 P.M., a motion was made by Mr. Schuyler and seconded by Mr. Bhatt that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 8-0

AYES: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Clare, DuPuy, Ginnell and Johnson.

In the matter of **FHB File Number 2007-02016, Rosalyn Jackson-Rush and Alphonso Rush v. Orchard Corporation and Phillip Speasmaker**, a motion was made by Mr. Schuyler and seconded by Ms. Epps to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2007-02016, Rosalyn Jackson-Rush and Alphonso Rush v. Orchard Corporation and Phillip Speasmaker

In the matter of **FHB File Number 2007-01497, Shelby James v. Berkley South, LP**, a motion was made by Mr. Schuyler and seconded by Ms. Epps to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2007-01497, Shelby James v. Berkley South, LP

In the matter of **FHB File Number 2008-00646, Terry and Jacob Gerald v. James Yeatts**, a motion was made by Mr. Schuyler and seconded by Ms. Epps to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-00646, Terry and Jacob Gerald v. James Yeatts

Tom Payne updated the Board on the status of pending

Old Business

litigation. No action was taken by the Board.

There being no further business, the meeting adjourned at 1:35 **Adjourn**
P.M.

David B. Rubinstein, Chairman

Jay W. DeBoer, Secretary

DRAFT